

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE SUBPOENA *DUCES TECUM* TO
CERENCE, INC.

MBD No. 1:21-mc-91718

VB ASSETS, LLC,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON.COM LLC,
AMAZON WEB SERVICES, INC., A2Z
DEVELOPMENT CENTER, INC. d/b/a LAB126,
RAWLES LLC, AMZN MOBILE LLC, AMZN
MOBILE 2 LLC, AMAZON.COM SERVICES, INC.
f/k/a AMAZON FULFILLMENT SERVICES, INC.,
and AMAZON DIGITAL SERVICES LLC,

Defendants.

C.A. No. 1:19-cv-01410-MN
(District of Delaware)

MOTION TO COMPEL THIRD PARTY DISCOVERY

Pursuant to Rule 37(a)(2) and 45(d)(2)(B)(i) of the Federal Rules of Civil Procedure, Defendants Amazon.com, Inc., Amazon.com LLC, Amazon Web Services, Inc., A2Z Development Center, Inc. d/b/a Lab126, Rawles LLC, AMZN Mobile LLC, AMZN Mobile 2 LLC, Amazon.com Services, Inc. f/k/a Amazon Fulfillment Services, Inc., and Amazon Digital Services LLC (collectively, “Amazon”) respectfully move this Court for an Order compelling third party Cerence Inc. (“Cerence”) to comply with a Rule 45 subpoena and produce specific documents and communications relevant to the patent case that Plaintiff VB Assets, LLC (“VB

Assets”) filed against Amazon in *VB Assets, LLC v. Amazon.com, Inc. et al*, Case No. 1:19-cv-01410-MN (D. Del.) (the “Litigation”).

As grounds for this motion, Amazon relies on the Memorandum of Law in support of this motion and the Declarations of Vigen Salmastlian, Min Wu, and David Greenbaum submitted herewith. Amazon seeks to file portions of the Memorandum as well as the Declaration of David Greenbaum and its Exhibits 1-4 under seal because they contain confidential information pursuant to a protective order issued in the Litigation. Amazon will submit to the Court and serve upon counsel an unredacted, confidential version of the papers after the opening of this miscellaneous case.

REQUEST FOR ORAL ARGUMENT

Amazon believes that oral argument will assist the Court in deciding this motion and, therefore, Amazon respectfully requests oral argument.

Dated: December 3, 2021

Respectfully submitted,

/s/ Alison C. Casey

Of Counsel:

J. David Hadden, CSB No. 176148
dhadden@fenwick.com
Saina S. Shamilov, CSB No. 215636
sshamilov@fenwick.com
Ravi R. Ranganath, CSB No. 272981
rranganath@fenwick.com
Johnson Kuncheria, CSB No. 335765
jkuncheria@fenwick.com
Vigen Salmastlian, CSB No. 276846
vsalmastlian@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
(650) 988-8500

Jessica Lin, NYB No. 5035860
jessica.lin@fenwick.com
FENWICK & WEST LLP
902 Broadway #14
New York, NY 10010
(212) 921-2001

Heather B. Repicky (BBO # 663347)
heather.repicky@btlaw.com
Alison C. Casey (BBO # 688253)
alison.casey@btlaw.com
BARNES & THORNBURG LLP
One Marina Park Drive, Suite 1530
Boston, MA 02210
Tel: (617) 316-5310

Counsel for Defendants
Amazon.com, Inc., Amazon.com LLC,
Amazon Web Services, Inc., A2Z
Development Center, Inc. d/b/a Lab126,
Rawles, LLC, AMZN Mobile LLC, AMZN
Mobile 2 LLC, Amazon.com Services, Inc.
f/k/a Amazon Fulfillment Services, Inc., and
Amazon.com Services LLC

CERTIFICATE PURSUANT TO LOCAL RULES 7.1(a)(2) AND 37.1(b)

I, Vigen Salmastlian, certify that counsel for Amazon have made a reasonable and good faith effort to reach agreement with counsel for Cerence, Inc. on the issues and matters set forth in this motion through meetings, conferences, and several follow-up email communications but have been unable to come to a resolution on such issues.

/s/ Vigen Salmastlian

CERTIFICATE OF SERVICE

I certify that on December 3, 2021 this document, filed through the ECF system, will be sent electronically to the parties or their counsel who are registered participants as identified on the Notice of Electronic Filing and that copies will be served on those non-registered participants.

/s/ Alison C. Casey